

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

SERGEY SHESTAKOV,

Defendant.

Case No. 23 Cr. 16 (JHR)

**DECLARATION OF RITA M. GLAVIN IN SUPPORT OF SERGEY SHESTAKOV'S
MOTION TO TAKE THE RULE 15 DEPOSITION OF EVGENY FOKIN**

I, RITA M. GLAVIN, an attorney admitted to practice before this Court, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am principal of the law firm Glavin PLLC and represent Sergey Shestakov in the above-captioned action.
2. I submit this declaration in support of Mr. Shestakov's motion to take the deposition of Evgeny Fokin pursuant to Federal Rule of Criminal Procedure 15.
3. I made several attempts, unsuccessfully, to contact Mr. Fokin during February and March 2024.
4. Thereafter, I engaged in numerous discussions with Boies Schiller Flexner LLP, counsel for Mr. Fokin's employer, En+, concerning the possibility of Mr. Fokin's testifying at a Rule 15 deposition. Counsel for En+ informed me that if the Court authorizes such a deposition, the company would make "best efforts" to make Mr. Fokin available. Counsel also informed me that it is ultimately up to Mr. Fokin whether he will testify or not.
5. Mr. Fokin is a Russian foreign national residing in Russia. Accordingly, Mr. Fokin would require a visa to enter the United States.

6. Linked hereto is a notice from the U.S. Embassy and Consulates in Russia concerning visa services, available at <https://ru.usembassy.gov/visas/>.

7. Linked hereto is a notice of the U.S Department of State – Bureau of Consular Affairs noting Russia is not a participant in the visa waiver program, available at <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html>.

8. Attached hereto as **Exhibit 1** is a true and correct copy of the U.S. Customs and Border Protection, TECS-Secondary Inspection Report Evgeny Fokin dated August 16, 2021, bearing the Bates USAO_00000048-00000052.

9. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced to the defense as 3505-005 consisting of notes of the government's conversation with counsel for En+.

10. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced to the defense as 3624-001 consisting of call notes and reports concerning the partial imaging of Mr. Fokin's devices.

11. Attached hereto as **Exhibit 4** is a true and correct portion of a document produced to the defense as 3623-002: a June 24, 2022 email to the government from a case agent concerning links between Arina Lazarou and En+/Rusal.

12. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced to the defense as 3623-001 consisting of notes of a June 24, 2024 call with an agent recounting his investigative work from 2022.

13. Attached hereto as **Exhibit 6** is a true and correct copy of a U.S. Customs and Border Protection "TECS – Person Encounter List," Bates-stamped USAO_00021290 - USAO_00021292.

14. Attached hereto as **Exhibit 7** is a true and correct copy of surveillance reports concerning Mr. Fokin's meetings.

15. Attached hereto as **Exhibit 8** is a true and correct excerpted portion of USAO_00009680 consisting of Signal messages from Mr. Fokin to Charles McGonigal on November 3, 2021.

16. Attached hereto as **Exhibit 9** is a true and correct copy of a March 25, 2022 memorandum requesting Mr. Fokin's visa revocation, Bates-stamped USAO_00020128 - USAO_00020130.

17. Attached hereto as **Exhibit 10** is a true and correct copy of a portion of U.S. Department of State records, bearing the Bates USAO_00021259-00021275.

18. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced to the defense as 3625-001 consisting of notes of a July 30, 2024 call with an agent present for the partial imaging of Mr. Fokin's devices.

19. Attached hereto as **Exhibit 12** is a true and correct copy of an FBI 302 dated February 9, 2022 with "Sakura," who the defense reasonably believes is former En+ employee Sakura Amend, Bates-stamped USAO_000021302 - USAO_000021306.

20. Attached hereto as **Exhibit 13** is a true and correct copy of handwritten notes dated July 17, 2024, bearing the Bates USAO_000021307 - USAO_000021309.

Dated: New York, New York
November 12, 2024

/s/ Rita M. Glavin
Rita M. Glavin